



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY



February 4, 2004

SDMS DocID **289915**

Pachulski Stang Ziehl Young & Jones
Attn: Mr. Bruce Grohsgal
919 North Market Street
Wilmington, DE 19801

Chlor-Alkali
172
289915

Re: **REQUEST FOR ACCESS TO PROPERTY**
Chlor-Alkali Facility (Former)
Berlin, NH
NHN000103313

Dear Mr. Grohsgal:

The United States Environmental Protection Agency (EPA) respectfully requests permission for EPA, its agents, contractors, and other authorized representatives to have access to the former Chlor-Alkali Facility property located in Berlin, New Hampshire.

EPA requests access to your property to conduct or oversee a CERCLA site evaluation. This activity is authorized by Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). This authorization provided by CERCLA includes access to private property in order to determine the need for response actions, to perform response actions, and to enforce CERCLA. Entry by EPA is also authorized under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927. Under that section EPA may enter property where hazardous wastes are or have been disposed of, transported from, generated, stored, or treated in order to enforce the provisions of RCRA.

CERCLA site evaluation activities may include information-gathering to determine whether hazardous substances, pollutants, and contaminants may be, or may have been released to the environment. In addition, EPA and its representatives may drive vehicles onto the site, collect samples, take photographs, and dispose of small amounts of equipment rinse waters on the property. EPA or its representatives will offer the owner or company representative(s) replicates of the samples collected if requested. Prior to leaving the property, the EPA representatives will supply the owner or company representative(s) with a receipt for samples collected on the property.

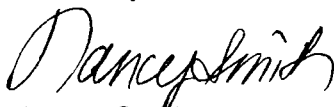
Please signify your consent to access by signing the Consent for Access to Property on the following page, and returning it to me at the following address:

Ms. Nancy Smith (Mail Code: HBS)
US EPA
One Congress Street
Suite 1100
Boston, MA 02114-2023

The access agreement must be signed by all owners of the property. If EPA does not receive a reply within **ten (10) business days** of your receipt of this letter, it will become necessary for EPA to employ other means to obtain access. Such means may include issuing an administrative order or bringing an action in federal court to secure EPA's right to access.

Your cooperation in assisting with completion of CERCLA site evaluation activities is appreciated. If you have any questions regarding this request for access, please contact me or attorney Ruthann Sherman of EPA's Office of Environmental Stewardship immediately. I may be reached at (617) 918-1436 and Ms. Sherman may be reached at (617) 918-1886.

Sincerely,



Nancy Smith
Site Assessment Manager
Technical Support & Site Assessment Section
Office of Site Remediation and Restoration

cc: Mr. John Splendore, NH DES

CONSENT FOR ACCESS TO PROPERTY

I (We), the Owner(s) of the former Chlor-Alkali Facility located in Berlin, New Hampshire, shall permit EPA's officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives, to enter and have access to this property for the purpose of conducting a CERCLA site evaluation.

I (we) realize that these actions are undertaken under EPA's response and enforcement authorities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e) and under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927.

I (We) give this written permission voluntarily with knowledge of my (our) right to refuse, and without threats or promises of any kind.

Signature of Property Owner/Operator
or Authorized Representative(s)

Date

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

CONSENT OF ADDITIONAL OWNER(s)

Signature of Property Owner/Operator
or Authorized Representative(s)

Date

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

W